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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 914/2025**

ACHLA GULATI

.....Petitioner

Through: Mr. Umesh Sharma, Mr. Ritesh Kumar and Mr. Munish Kumar Gaur, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Mr. Nikhil Palli, ASC for MCD.
Mr. Ajay Jain, SPC with Mr M.N. Mishra, Mr. Manoj Gautam, Mr. Bijay Lakshmi, Mr. Krishna Sharma, Mr. Harshit Batra and Ms. Guruanshi Rawal, Advocates for R-2.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
24.01.2025**

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C.M. APPL. 4526/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 914/2025 and CM APPL. No. 4527/2025

3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

"I. Writ, Order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction in favour of the petitioner, and against the respondents thereby directing action on the illegal and unauthorized construction being done in the property bearing NO. G-7/15-16, Malviya Nagar, New Delhi-1100017 which is in gross violation of the sanction plan of the building.

II. Writ, Order or direction in the nature of MANDAMUS or any other



appropriate writ, order or direction in favour of the petitioner, and against the respondents thereby directing the respondent No. 1 to remove the encroachment done on the public street in the back side of the property NO. G-7/15-16, Malviya Nagar, New Delhi-1100017.

III. Writ, Order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction in favour of the petitioner, and against the respondents thereby directing the Respondent No. 2, Delhi Police to provide adequate security and ensure the safety of the Petitioner”

4. Issue notice.
5. Counsels, as above, accept notice on behalf of the respective Respondents.
6. Learned counsel appearing on behalf of MCD, on instructions, submits that the property in question of which Respondent No. 3 is the owner, has been booked and show cause notice dated 21.01.2025 has been issued, calling upon him to submit his reply within seven working days as to why order of demolition should not be passed under Section 343 of the Delhi Municipal Corporation Act, 1957 and depending on the outcome of the personal hearing and looking to the alleged unauthorized construction, further action will be taken in accordance with law.
7. In view of the stand taken by MCD, no further order is required to be passed with respect to the allegations of unauthorized construction in the property owned by Respondent No.3. Any action taken by MCD will be compliant with applicable statutory provisions and judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***. This order is passed without prejudice to the rights and contentions of Respondent No. 3. In case of any surviving/further grievance, Petitioner may approach the Special Task Force, constituted pursuant to orders of the Supreme Court in ***M.C. Mehta v. Union of India and Others, (2019) 12 SCC 730*** and ***M.C. Mehta v. Union of India and***



Others (Sealing Issue, in Re), (2019) 12 SCC 419.

8. At this stage, learned counsel for the Petitioner submits that Petitioner is a senior citizen and on account of the complaints made against Respondent No. 3, she is receiving threats and therefore protection be granted to her.

9. It is directed that the Beat Officer of the area concerned shall furnish his mobile number to the Petitioner on which she will be free to call in case of any assistance/help required. In case of any help required, the Beat Officer shall render full assistance and will also make an endeavour to visit the residence of the Petitioner, whenever possible to ascertain her well-being.

10. Writ petition along with pending application stands disposed of in the aforesaid terms.

JYOTI SINGH, J

JANUARY 24, 2025/shivam